

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**EASTERN DIVISION**

**U.S.A. vs. Terrence Roderick Allen**

**Docket No. 4:01-CR-55-1H**

**Petition for Action on Supervised Release**

COMES NOW Dewayne L. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Terrence Roderick Allen, who, upon an earlier plea of guilty to 21 U.S.C. § 841(a)(1), Distribution of Cocaine Base (Crack), was sentenced by the Honorable Malcolm J. Howard, U.S. District Judge, on June 24, 2002, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in a vocational training program as directed by the probation office.

On June 10, 2004, pursuant to a Rule 35 Motion, the court reduced the total term of confinement to 72 months. Allen was released from custody on April 20, 2007, at which time the term of supervised release commenced. On August 26, 2008, a Petition for Action was submitted to the court due to criminal conduct (three counts of No Operator's Licence), failure to follow instructions from the probation officer by driving, and failure to notify the officer within 72 hours of being arrested or questioned by a law enforcement officer. The court modified the conditions to include the following special condition:

1. The defendant shall be confined in the custody of the Bureau of Prisons for two days as arranged by the probation officer and shall abide by all rules and regulations of the designated facility.

On February 19, 2009, a Violation Report was submitted to the court advising that the defendant had been charged with No Operator's License and Failure to Stop for Stop Sign/Flashing Red Light. Allen intended to plead not guilty, and it was recommended to continue supervision until

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adjudication in state court. He pled guilty on November 9, 2009, and Allen obtained his driver's license on April 27, 2009. On December 17, 2009, due to criminal conduct (Disorderly Conduct and Second Degree Trespass in Nash County), a Violation Report was submitted to the court recommending to continue supervision until adjudication in state court. These charges were dismissed on May 3, 2010. On January 5, 2011, a Violation Report was submitted advising that Allen tested positive for marijuana on January 4, 2011. He admitted use, was verbally reprimanded, and counseled about his actions. The court agreed to continue supervision.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** During a home inspection on April 5, 2011, the defendant submitted to an instant urine screen that tested positive for marijuana. He admitted use and signed an admission of drug use form acknowledging that he used marijuana on March 25, 2011. As a sanction for this conduct, we are recommending that Allen be placed on home detention for a period of 60 days. Additionally, he was placed in our Surprise Urinalysis Program and referred for outpatient drug treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

/s/Dewayne L. Smith  
Dewayne L. Smith  
U.S. Probation Officer  
1760 Parkwood Blvd., Room 201  
Wilson, NC 27893-3564  
Phone: (252) 237-0788  
Executed On: April 13, 2011

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**ORDER OF COURT**

Considered and ordered this 14<sup>th</sup> day of April, 2011, and ordered filed and made a part of the records in the above case.

Malcolm J. Howard  
Malcolm J. Howard  
Senior U.S. District Judge